

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

IN THE MATTER OF:

JOHN H. SHORT, II
BECKY K. SHORT

Debtors

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CASE NO. 06-10589

DECISION AND ORDER TO AMEND

At Fort Wayne, Indiana, on September 15, 2006.

The notice of motion and opportunity to object which Green Tree Servicing, LLC (hereinafter "Movant") served in connection with its motion to approve stipulated order does not comply with the requirements of N.D. Ind. L.B.R. B-2002-2 because:

- a. The notice does not adequately "state the relief sought" by the motion. N.D. Ind. L.B.R. B-2002-2(c)(3).
- a. The notice does not "contain a brief summary of the ground for the motion or have a copy of the motion attached to it." N.D. Ind. L.B.R. B-2002-2(c)(4).
- b. Based upon counsel's certificate of service, all creditors and parties in interest have not been served with a copy of the notice as required by the Federal Rules of Bankruptcy Procedure. See, e.g. Fed.R.Bankr.P. Rule 2002(a), 3015(g), 6007; N.D.Ind.L.B.R. B-2002(d).

Since creditors and parties in interest have not been given appropriate notice of the motion and the opportunity to object thereto, the court cannot grant it at this time. Movant shall prepare and serve an Amended Notice of Motion and Opportunity to Object which complies with N.D. Ind. L.B.R. B-2002-2 and file proof thereof within fourteen (14) days of this date. See, N.D. Ind. L.B.R. B-9013-4(a). The failure to do so will result in the motion being denied without prejudice and without further notice.

SO ORDERED.

/s/ Robert E. Grant
Judge, United States Bankruptcy Court